

ORDINANCE NO. 18-2023

**AN ORDINANCE AMENDING CHAPTER 40 OF THE WEST
LAFAYETTE CITY CODE TO PROVIDE FOR WATER SHUT OFF
FOR DELINQUENT ACCOUNTS**

Whereas, Chapter 40 of the West Lafayette City Code provides for the provision of wastewater services to the ratepayers of the system; and

Whereas, Chapter 40 Section 21 provides the rates and charges for wastewater services “shall be collected by the city”, with the Board of Public Works and Safety authorized to adopt and enforce reasonable regulations for the collection of such rates and charges; and

Whereas, the vast majority of ratepayers pay their rates and charges in a timely fashion with only a small minority habitually failing and refusing to pay their rates and charges; and

Whereas, unpaid rates and charges are currently collected by filing liens on recalcitrant property owners after other attempts to collect have failed repeatedly; and

Whereas, state law (IC § 36-9-25-11.5) allows for the shutoff of water services to property owners with delinquent rates and charges; and

Whereas, the water shutoff procedure should only be used as a method of last resort and must be fairly and equitably enforced based on written criteria by the Board of Public Works and Safety; and

Whereas, delinquent users who dispute a bill must be afforded an opportunity to meet informally with designated personnel empowered to correct incorrect charges, before a shutoff of water services can occur (IC 36-9-25-11.5).

NOW THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF WEST LAFAYETTE that West Lafayette City Code Chapter 40 Section 40-242 (c) is hereby deleted and replaced with the following language:

Section 40-242. – General Billing Procedure

- (c) **The mayor shall designate a person to be empowered to meet with a user to correct incorrect charges upon written request of a user made no more than thirty (30) days after an allegedly incorrect bill is sent to the user. The meeting procedure will be informal and appeals from any such decision may be made to the Board of Public Works and Safety by the user upon written request made no more the thirty (30) days from the date the decision is made. The Board of Public Works and Safety shall render a decision in writing within thirty (30) days of the written request.**

INTRODUCED ON FIRST READING ON THE 10 DAY OF July, 2023.

MOTION TO ADOPT MADE BY COUNCILOR DeBoer, AND SECONDED BY COUNCILOR Thomas.

DULY ORDAINED, PASSED, AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF WEST LAFAYETTE, INDIANA, ON THE 7 DAY OF August, 2023, HAVING BEEN PASSED BY A VOTE OF 7 IN FAVOR, 0 OPPOSED, 1 ABSTENTION, THE ROLL CALL VOTE BEING:

	AYE	NAY	ABSENT	ABSTAIN
Blanco	✓			
Brown	✓			
Bunder	✓			
DeBoer				✓
Lee	✓			
Leverenz	✓			
Parker	✓			
Sanders			✓	
Thomas	✓			


Peter Bunder, Presiding Officer

Attest:

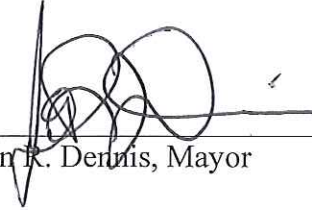

Sana G. Booker, Clerk



PRESENTED BY ME TO THE MAYOR OF THE CITY OF WEST LAFAYETTE, INDIANA ON THE 8 DAY OF August, 2023.


Sana G. Booker, Clerk

THIS ORDINANCE APPROVED AND SIGNED BY ME ON THE 9 DAY OF August, 2023.



John R. Dennis, Mayor

Attest:



Sana G. Booker, Clerk

